IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

THURSDAY, THE 31ST MAY 2007 / 10TH JYAISHTA 1929

WP(Crl.).No. 127 of 2007(S)

PETITIONER:

AJITH GOPINATH, AGED 27,
S/O.GOPINATHA PILLAI, SRISHTI, KANDALLOOR
NORTH, PATTOLI MARKET, KAYAMKULAM.

BY ADV. SRI.R.PADMAKUMAR
SRI.R.T.PRADEEP
SRI.V.VIJULAL

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY THE
CHIEF SECRETARY, GOVERNMENT OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR GENERAL OF POLICE,
POLICE HEAD QUARTERS, VAZHUTHACADU,
THIRUVANANTHAPURAM.

3. THE SUPERINTENDENT OF POLICE, ALAPPUZHA.

4. THE DEPUTY SUPERINTENDENT OF POLICE,
CHENGANNUR.

5. THE SUB INSPECTOR OF POLICE,
VALLIKUNNAM POLICE STATION,
VALLIKUNNAM.

6. SUKUMARAN NAMBOOTHIRI, MANAKKATTU MADAM
KADUVUMKAL, VATHIKUNNAM, MAVELIKKARA TALUK.

R1 to R5 BY ADDL. DIRECTOR GENERAL OF PROSECUTION SRI V.K.MOHANAN
R6 BY ADV. SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)
SRI.A.R.DILEEP
SMT.KAVITHA GANGADHARAN

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 31/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1 TRUE COPY OF THE RELEVANT PAGE OF SSLC CERTIFICATE OF SYAMA DATED 28/3/97.

EXT.P2 TRUE COPY OF THE CERTIFICATE DATED 14/7/05.

EXT.P3 TRUE COPY OF CERTIFICATE OF MARRIAGE DATED 15/7/2005.

EXT.P4 TRUE COPY OF COMPLAINT FILED BY PETITIONER DATED 21/5/2007 BEFORE THE 5TH RESPONDENT.

EXT.P5 TRUE COPY OF RECEIPT DATED 22/5/2007.

P.R.RAMAN & K.HEMA, JJ.

W.P.(CRL.).NO.127 OF 2007

Dated this the 31st May,2007

JUDGMENT

Raman,J.

Petitioner, Ajith Gopinath, is stated to be employed in the Indian Air Force as Radar Fitter. He possessed the qualification of B.Sc. Degree and Diploma in Electronics. According to him, he studied the degree course at Bishop Moore College at Mavelikkara and during his college days he fell in love with one Syama, daughter of the 6th respondent and later he married her. He has also produced Ext.P1 to show that Syama is a major and her date of birth is 31/5/1982. Ext.P2 is a certificate issued by the Travancore Devaswom Board evidencing the marriage of the petitioner with Syama, aged 23, on 14/7/2005 at Ramapuram Devi Temple. It is also stated that after the marriage, they have lived together as husband and wife. It is the case of the petitioner that the 6th respondent, father of the girl, raged with fury, locked up her in a room on getting information about the marriage. On coming to know of the same, a complaint was lodged before the 5th respondent as per Ext.P4. But the 5th respondent did not take any action. Hence, this writ petition is filed inter alia seeking to issue a writ of habeas

corpus to cause production of the body of Syama, who is alleged to have been detained by the 6th respondent, and to set her free. Pursuant to the direction issued, the 6th respondent produced the alleged detenu, Syama before us. The 6th respondent as well as the petitioner appeared. We inter acted with the alleged detenu and also with her father, the petitioner, and his relatives at some length so as to gather as to whether Syama is a free person and she is in the custody of the 6th respondent against her free will. Based on the inter action with Syama, we understand that she desires to go with her husband. She admits the fact that she has married the petitioner.

2. Though a counter affidavit is filed by the 6th respondent denying the allegations contained in the writ petition, in the light of the answers given by the girl, Syama, it is to be found that she being a major, she is entitled to decide her choice with with whom she should go and she desires to go with her husband. Petitioner's father's brothers, who were also presented before this Court, submitted that they are prepared to accept the girl and if the girl desires, they will take her to their home. We also understand from Syama that she came to her parents with the intention that her parents may at a later day accept her marriage with that of the petitioner. However, as the matter stands, her parents are not

willing; but the girl wants to go with the petitioner, who has married the girl, Syama.

3. In the circumstances, being a major, she is set free.

Writ Petition is disposed of as above.

P.R.RAMAN,
Judge.

K.HEMA,
Judge.

kcv.